

REMARKS

Claims 1-5, 9-16, and 20-22 are pending. Claims 1 and 12 are objected to as having minor informalities. Claims 1 and 12 are rejected under 35 U.S.C. §103(a) as being unpatentable over “Compuserve A” in view of Dozier, and in further view of Volpenesta. Claims 2-5, 9, 10, 13-16, 20 and 21 are rejected as being unpatentable “Compuserve A” in view of Dozier, and in view of Volpenesta, and in further view of “Compuserve B”. Claims 11 and 22 are rejected under 35 U.S.C. §103(a) as being unpatentable over “Compuserve A” in view of Dozier, and in view of Volpenesta, and in further view of “BHI”.

Claims 1 and 12 have been amended to correct the informalities pointed out by the Examiner. Applicant’s thank the Examiner for pointing this out, and respectfully request this objection be removed.

Without admitting the propriety of the instant rejection, or that the cited references are indeed prior art, Applicant has submitted a declaration under 37 CFR 1.131 to swear behind the Dozier, “Compuserve A”, “Compuserve B”, and “BHI” references relied upon by the Examiner.

The attached declaration of Ralph Wesinger, a named co-inventor of the pending application, shows that the instant invention as claimed was reduced to practice prior to the earliest effective date of these references.

The attached declaration shows that Mr. Wesinger conceived of the idea for a web site having the functionality as presently claimed at least by Nov. 26, 1994. The site was live and functional at least by May 12, 1995.

The attached declaration also shows that from conception, Mr. Wesinger exercised due diligence in reducing the invention to practice as evidenced through the hiring of co-inventor Mr. Coley in January of 1995. Upon his hiring, Mr. Coley set about to construct the data center necessary to host the web site. In February 1995, Mr. Coley then began writing the code that ultimately resulted in the reduction to practice of the GolfUSA site that embodied the invention as claimed. Thus, the inventors exercising due diligence after conceiving of the invention prior to the filing date of the cited references noted above.

As can be seen from the attached declaration and exhibits, the GolfUSA site actually existed and worked for its intended purpose by at least May of 1995.

Applicant respectfully submits that the attached declaration and exhibits provide satisfactory factual evidence of the conception and subsequent reduction to practice of the invention as claimed prior to the effective date of the cited art per MPEP 715.07.

In light of the submitted declaration, it is respectfully submitted that the Dozier, “Compuserve A”, “Compuserve B”, and “BHI” references are no longer available under 35 U.S.C. §102(a)/(e), or 35 U.S.C. §103(a). See MPEP 715.

The attached declaration shows the conception and diligent reduction to practice of the subject matter as claimed in the independent claims. It is respectfully submitted that the independent claims are now in a condition for allowance. Furthermore, it is believed that claims dependent therefrom are also in a condition for allowance for at least the reason of being dependent from an allowable base claim. Accordingly, Applicant believes that all pending claims are in a condition for allowance.

Reconsideration and allowance of this case is respectfully requested.

If the Examiner has any questions regarding this application or this response, the Examiner is requested to telephone the undersigned at 775-848-5624.

Respectfully submitted,
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